



MEMORANDUM

TO: District Board of Zoning Adjustment

FROM: Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: July 20, 2010

SUBJECT: BZA Case No. 18093 – Request for special exception relief under § 223 for a two-story rear addition at 4100 Grant Street N.E.

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) **recommends approval** of this application pursuant to § 223 to permit a rear addition to an existing two-story detached dwelling at 4100 Grant Street N.E. which does not comply with §§ 405 (side yards) and 2001.3 (extension of existing non-conforming side yards), subject to the following:

- That the Applicant clarifies the extent of relief needed concerning the side yards. The application contains slightly conflicting side yard measurements that range from 5' to 5'10" to the west and 2'10" to 3'6" to the east. Due to the minor amounts of the discrepancies, OP does not anticipate that its recommendation would change based on the clarification.

In addition, the proposal may not comply with § 403 (lot occupancy). OP estimates that the proposed lot occupancy would be approximately 50%, a figure which exceeds the permitted lot occupancy in an R-4 zone and which incorporates the approximately 3' side yard in the calculation.¹ Because § 223 permits up to 70% lot occupancy, OP is generally supportive of such relief in this case, subject to the Applicant clarifying the extent of lot occupancy relief needed.

OP notes that the subject property is also non-conforming for both lot area and lot width.

II. AREA AND SITE DESCRIPTION:

Address:	4100 Grant Street N.E.
Legal Description:	Square 5077, Lot 14
Ward/ANC:	7/7D
Lot Characteristics:	The lot is rectangular in shape and measures 30' wide and 80' deep, for a total of 2,400 square feet (hereinafter, the "Property"). The Property fronts Grant Street to the south and an improved 15' wide public alley to the north. The Property also slopes downward toward its north side, with the dwelling footprint descending with a slope of more than 10%.
Zoning:	R-4: row dwellings and flats ²
Existing Development:	There is an existing two-story single-family detached dwelling.
Historic District:	N/A
Adjacent Properties:	To the west and east are existing one-story detached dwellings. To the north, across an improved alley, is a three-story dwelling. To the south, across Grant Street, are two-story semi-detached dwellings.

¹ The definition of "building area" includes all side yards less than 5' in width.

² The Property recently was rezoned from R-5-A to R-4 as part of an extensive rezoning of portions of Ward 7 (ZC Order No. 08-22 (2008) "Zoning Consistency Map Amendments Rezoning Portions of Ward 7 From R-5-A to R-1-B, R-2, R-3, or R-4").

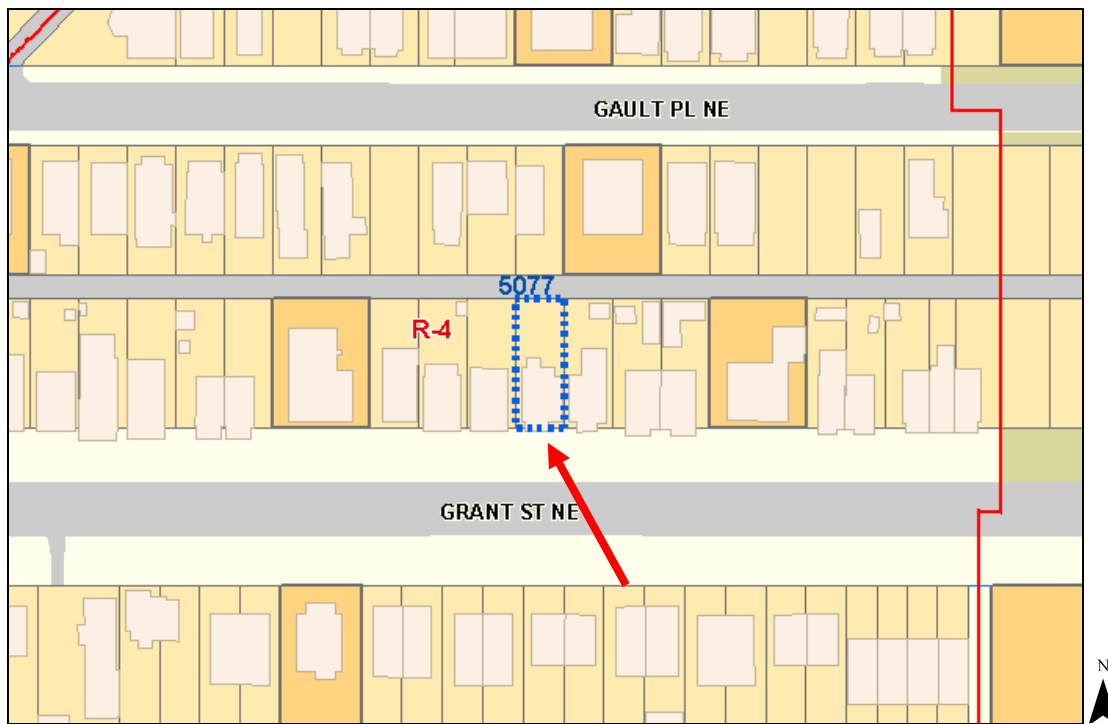


Surrounding Neighborhood Character:	The majority of Square 5077, and much of the surrounding area, is characterized by single-family residential use. The west end of the Square is zoned commercial (C-1) along Minnesota Avenue and the east end is zoned residential (R-5-B).
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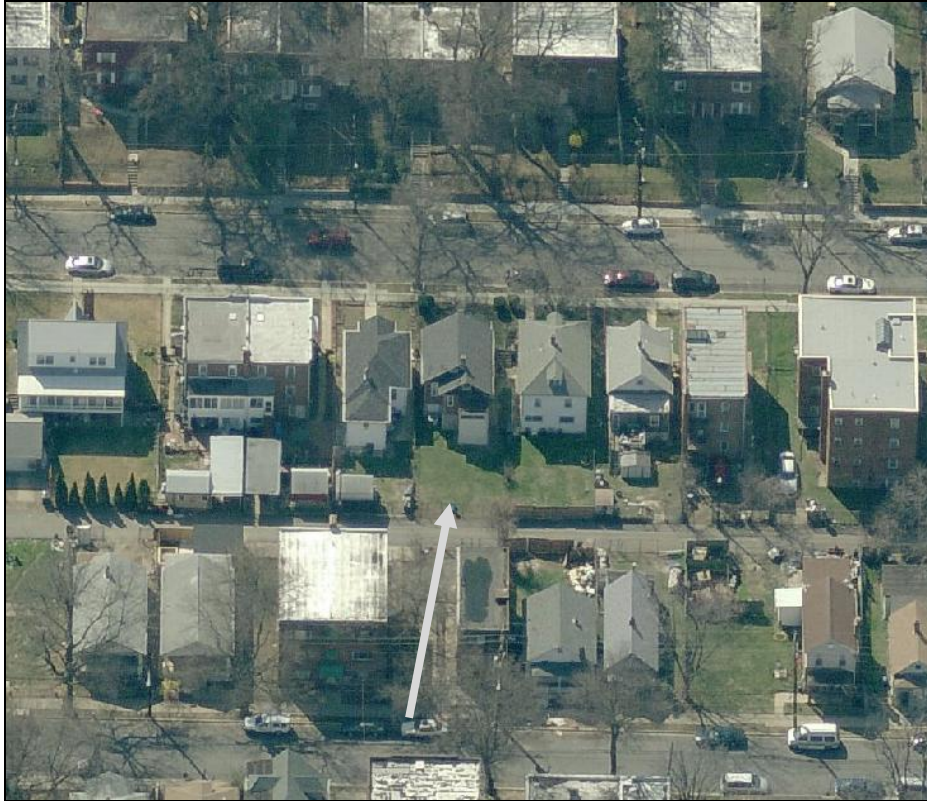
III. PROJECT DESCRIPTION IN BRIEF

Applicant	Darryl Smith
Proposal:	The Applicant proposes to construct a two-story rear addition. The addition would replace a portion of an existing kitchen and back-staircase and fill-in an existing court on the Property's east side. It would extend approximately 12.5' deep and 21.5' wide. OP estimates that the height of the addition would be less than 20' tall. The addition also would extend the dwelling's existing non-conforming side yards and would feature glass block windows on the east and west side.
Relief Sought:	§ 223 – Expansion of an existing detached dwelling that does not conform to the minimum side yards (§ 405.9) and extends an existing non-conformity (§ 2001.3)

IV. IMAGES AND MAPS



Aerial view of the site (subject Property outlined in blue)



View of the rear of the dwelling looking south

V. ZONING REQUIREMENTS

Single-family detached homes are permitted uses in R-4 Districts. The following table, which reflects information supplied by the Applicant, summarizes certain zoning requirements for the project and the relief requested.

R-4 Zone	Regulation	Existing	Proposed	Relief:
Height (ft.) § 400	40' max. 3 stories max.	< 40' 2 stories	< 40' 2 stories	None-required
Lot area (sq. ft.) § 401	4,000 sq. ft. min.	2,400 sq. ft.	2,400 sq. ft.	Existing condition; no change proposed
Lot width (ft.) § 401	40' min.	30'	30'	Existing condition; no change proposed
Lot occupancy (building area/lot) § 403	40% max. 70% by special exception	~ 26%	~ 50% ³	Relief required
Rear yard (ft.) § 404	20' min.	~36'	>20'	None-required
Side yards (ft.) § 405	8' min.	~3' & ~5'	~3' & ~5'	Relief required for both side yards
Parking spaces (number) § 2101	1 min.	0	0	None required

VI. OFFICE OF PLANNING ANALYSIS

³ OP estimates that the proposed lot occupancy would be approximately 50%. OP notes that the Applicant may not have included the approximately 3' side yard in the lot occupancy calculation, as required for side yards of less than 5' width per the definition of "building area."

§ 223.1 An addition to a one-family dwelling or flat, in those Residence Districts where a flat is permitted, or a new or enlarged accessory structure on the same lot as a one-family dwelling or flat, shall be permitted even though the addition or accessory structure does not comply with all of the requirements of §§ 401, 403, 404, 405, 406, and 2001.3 shall be permitted as a special exception if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

The application requests special exception relief pursuant to § 223 for an addition to a one-family dwelling that does not comply with all of the requirements of §§ 403 (lot occupancy), 405 (side yards), and 2001.3 (extends existing non-conforming side yards). Additionally, the Property was made nonconforming to minimum lot area and width requirements (§ 401) when it was rezoned from R-5-A to R-4 pursuant to ZC Order No. 08-22 (2008).

§ 223.2 The addition or accessory structure shall not have a substantially adverse affect on the use or enjoyment of any abutting or adjacent dwelling or property; in particular:

(a) The light and air available to neighboring properties shall not be unduly affected.

Light and air available to neighboring properties should not be unduly affected by the proposal. The two-story addition would be approximately 12' deep, rise two stories in height (which OP estimates at less than 20' tall), and extend the existing side yards of the dwelling. The restrained size of the addition, in combination with existing setbacks on adjacent properties, should minimize any impact on neighboring dwellings.

(b) The privacy of use and enjoyment of neighboring properties shall not be unduly compromised.

The addition would have glass block windows on its east and west sides and, as a result, should not have an undue impact on the privacy of use and enjoyment of neighboring properties.

(c) The addition or accessory structure together with the original building, as viewed from the street, alley, and other public way, shall not substantially visually intrude upon the character, scale and pattern of houses along the subject street frontage.

The addition should not be visible from Grant Street, but would be visible from the rear public alley. The addition, together with the original building, would not present an inconsistent character or scale for the neighborhood. As such, the addition should not substantially intrude upon the pattern of houses along the subject street frontage.

(d) In demonstrating compliance with (a), (b) and (c) of this subsection, the applicant shall use graphical representations such as plans, photographs or elevation and section drawings sufficient to represent the relationship of the proposed addition or accessory structure to adjacent buildings and view from public ways.

The Applicant has provided photos, elevation drawings, and a site plan showing the relationship of the proposed addition to adjacent buildings and views from public ways.

VII. COMMUNITY COMMENTS/ANC

At the date of this report, OP has not received any submissions from ANC 7D or from neighbors of the Property. The Applicant indicated to OP that the adjacent neighbors are not opposed to the proposal.

VIII. RECOMMENDATION

The Office of Planning **recommends approval** of the special exception relief to construct a rear addition to an existing single-family detached dwelling, subject to a clarification of the extent of relief needed concerning the side yards and lot occupancy.

JS/pg

Paul Goldstein, case manager